



MINNESOTA FOREST INDUSTRIES

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**Testimony before the
House Water, Wildlife and Fisheries Subcommittee
of the Natural Resources Committee
Rick Horton, Executive Vice President
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Thank you for the opportunity to testify on the Congressional Review Act (CRA) resolution H.J. Res 49 disapproving of the northern long-eared bat's endangered listing under the Endangered Species Act (ESA).

My name is Rick Horton. I am the Executive Vice President of Minnesota Forest Industries, which represents primary wood-consuming mills. The industry provides employment for 69,000 hard-working Minnesotans and is the 5th largest industry in the state. I also am a member of the Federal Forest Resources Coalition's Policy Committee. Lastly, I am a Wildlife Society Certified Wildlife Biologist, with 30 years of experience managing and advocating for forest wildlife habitat management.

Background: In 2006 cave explorers near Albany, New York took photographs of bats with a white powdery substance on their noses. In 2007 biologists found dead and dying bats in the same caves and dubbed the disease "white-nose syndrome" or WNS. Researchers identified a previously unknown fungus named *Pseudogymnoascus destructans* (Pd) that was the root cause of WNS. It was traced back to Europe and Asia and was likely introduced to America on boots and clothing.

WNS causes bats to awaken from hibernation and fly about, burning up fat reserves and eventually dying from starvation and dehydration. There is no known treatment for it, and it is decimating populations of cave-roosting bats.

WNS marched quickly across the US, spread by bat-to-bat contact and by humans visiting caves. It reached Minnesota in 2016, and by 2020 populations of cave-roosting bats had crashed by over 92% in the two primary hibernating areas (Minnesota Department of Natural Resources).

NLEB Habitat: Forest cave-dwelling bats hibernate in caves during the winter and occupy forested habitats in the growing season. They typically use older trees with cavities, cracks or loose bark for day roosting, socializing, protection from predators, and birthing. They emerge at night to feed on insects in forest openings and corridors. Notably females rear their single pups on or in "maternal roost trees" with similar characteristics. Research shows that northern long-eared bats (NLEB) do not have any affiliation to specific types of deciduous trees, rather using whatever trees are most common in the landscape.

Federal Regulations: The northern long-eared bat (*Myotis septentrionalis*) is found in 37 states in the eastern and north-central United States, the District of Columbia, and all

southern Canadian provinces. Range-wide NLEB populations have decreased by over 90% (Cheng et al., 2021).

The USFWS listed the NLEB as threatened under the Endangered Species Act in 2015. At that time a 4(d) Rule was adopted that restricted timber harvest near hibernacula and protected known and occupied maternal roost trees from June 1 – July 31 [*Fed. Reg. 81 FR 1900, February 16, 2016. Docket No. FWS-R5-ES-2011-0024*]. The 4(d) Rule focused on habitat protection but was flexible enough that it didn't impose unnecessary constraints upon the forest products industry.

On November 30, 2022, the USFWS published a final rule uplisting the northern long-eared bat from “threatened” to “endangered” status under the ESA [*Fed. Reg. 16442, March 23, 2022. Docket No. FWS-R3-ES-2021-0140*]. Though initially set to become effective on January 30, 2023, USFWS delayed the effective date of the uplisting until March 31, 2023.

At Issue: The availability of forest habitat for NLEB is not a contributing factor in their decline for the following reasons:

- Forest habitat in general is increasing. The area of forestland within their combined 37-state range in the US has increased 6.5 percent since 1953 (USDA 2020).
- Maternal roost tree habitat is increasing. NLEBs use any-sized tree, but prefer larger diameter trees for maternal roosts, with a mean of 15 inches in diameter (Moen 2018). Comparison of the earliest and the most recently available statewide forest inventory data collected by the USDA Forest Service Forest Inventory and Assessment (FIA) found that the number of standing dead hardwood and softwood trees 15 inches or greater in diameter increased by 29.4 percent and 14.9 percent, respectively within the 37-state range of the NLEB. Further, the number of live trees with a diameter of 15 inches or greater increased by 3.1 percent.
- Roosting habitat is retained during harvest. 375 million acres of forestland in North America are certified to the 2022 Sustainable Forestry Initiative Forest Management Standard. Objective 4, Performance Measure 4.1, Indicator 2 requires, “*Development of criteria and implementation of practices, as guided by regionally based best scientific information, to retain stand-level wildlife habitat elements such as snags, stumps, mast trees, down woody debris, den trees and nest trees*”. Additionally, many states have voluntary or mandatory forest Best Management Practices (BMPs) that dictate retention of snags, den trees and cavity trees during timber harvest.
- Bats are adapted to roost tree loss. While bats sometimes return to previously used roost trees, they are adapted to roost tree loss because their preferred trees are highly susceptible to mortality. They are therefore flexible in their roost tree selection. Unfortunately, many bat conservationists view roosts and roosting areas as fixed landscape elements (Silvis, et al., 2015).
- Bats with young are mobile. NLEBs frequently move their young from tree to tree before they are able to fly on their own. The pups cling to the mother and she flies

to other roost trees (Whittle 2022). Therefore, loss of an individual roost tree may not negatively impact the bat.

Management Implications. When the USFWS lists a species, it strives to conserve its habitat, apparently without considering whether habitat is limiting the viability of the species. The USFWS fully recognizes the role WNS has played in decimating NLEB populations, noting that “the primary factor influencing its viability is white-nose syndrome (WNS), a disease of bats caused by a fungal pathogen.” They also state, “WNS has caused estimated northern long-eared bat population declines of 97-100 percent across 79 percent of the species' range.” [*Fed. Reg. page 16446, March 23, 2022*].

And yet, with the “uplisting” to Endangered, the near complete focus of the USFWS seems to be preventing incidental take through habitat “protection.” When NLEB was listed as Threatened in 2015, USFWS defined “take” to include disturbance of forest habitat around hibernating areas and known occupied maternity roost trees in the growing season. The 4(d) Rule was developed to protect these elements, but it did so in a way that minimized impacts upon forest planning and timber harvesting.

Uplisting the NLEB to Endangered status would invalidate the 4(d) rule, and further cement habitat “preservation” as essential for bat conservation. Habitat “preservation” is very unlikely to lead to a reversal in the declines experienced by cave dwelling bats, as the incurable white-nose syndrome will still cause significant mortality in winter hibernation areas. Moreover, any forest management professional knows that “preserving” individual trees is not a viable approach over the long term. It will simply leave forests in an unmanaged condition, where they can be wiped out by random events like wind, ice, or fire.

More bureaucratic red tape and restricting forest management in the NLEB range will not contribute to its recovery. While Habitat Conservation Plans and Guidance Documents are being developed to clarify what timber management practices are allowed on public lands, there are concerns about how these will be implemented. Final guidance documents have not been released and we are very concerned what additional habitat-related restrictions they may contain. It is unclear how large private forest landowners will be impacted. Additionally, only 6 of 37 states within the range of the NLEB have Habitat Conservation Plans in process.

Conclusion: White-nose syndrome has decimated forest cave-dwelling bat populations. Habitat for the species is not lacking at the landscape scale, and the species is adapted to the ephemeral nature of old, hollowed out trees. Therefore, static protection of known maternal roost trees will not slow or reverse their decline. But it will restrict timber harvesting, contributing to the decline in global competitiveness of the US forest products industry.

Papermills, sawmills and engineered wood product manufacturers are the economic base of many forested rural communities across the nation. Nearly 75 percent of the US forest products industry’s employment and economic output are within the 37-state range of the

NLEB. Unnecessarily constraining wood supply threatens the continued viability of rural forest-based communities that are reliant on a predictable and sustainable supply of wood resources to make products used every day by Americans.

Our industry is the tool to accomplish most forest management goals. Through sustainable and responsible timber harvesting we increase biodiversity, create wildlife habitat, stop the spread of forest insects and disease, increase recreational opportunities, and prevent wildfire - all while protecting water quality, maintaining soil productivity, and preserving and respecting cultural resources. Increasingly we are looking to our forests as part of the solution to climate change due to their ability to absorb atmospheric carbon and store it in the woods as well as in forest products, many of which can replace fossil fuel-based products.

Human demand for forest products is not diminishing. But continuing to impose over-reaching and ineffective restrictions on the US forest products industry will result in more shuttered mills in the US and those products being sourced from parts of the world with few environmental protections.

Citations:

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